



# KERALA GAZETTE

## കേരള ഗസറ്റ്

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LVII വാല്യം 57	THIRUVANANTHAPURAM, TUESDAY തിരുവനന്തപുരം, ചൊവ്വ	31st January 2012 2012 ജനുവരി 31 11th Magha 1933 1933 മാഘം 11	No. നമ്പർ	5
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### PART IV

## Private Advertisements and Miscellaneous Notifications

#### KERALA STATE WAKF BOARD

##### NOTIFICATION

No. E4-1660/1996.

December 2011.

In exercise of the powers conferred by section 110 of the Wakf Act, 1995 (Central Act 43 of 1995), the Kerala State Wakf Board, with the prior sanction of the Government of Kerala as required by sub-section (1) of the said section; hereby make the following regulations, namely:—

#### CHAPTER I PRELIMINARY

##### 1. *Short title and Commencement—*

- (1) These regulations may be called the Kerala State Wakf Board (Compassionate Employment of the Dependants of Employees) Regulations 2011.
- (2) They shall come into force at once.

##### 2. *Definitions—*

- (1) In these Regulations unless the context otherwise requires:—
  - (a) “Act” means the Wakf Act, 1995 (Central Act 43 of 1995);
  - (b) “Board” means the Kerala State Wakf Board constituted under Section 13 of the Wakf Act, 1995;

- (c) “Chief Executive Officer” means the Chief Executive Officer appointed under sub-section (1) of section 23 of the Act.
- (d) “Dependants” means the widow or widower, son and daughter dependants of an employee who dies in harness and includes such dependants of an employee who has not been heard of for seven years and presumed to be dead;
- (e) “Employees” means permanent employees of the Board;
- (f) “Family Income” means annual family income of the deceased Board employee.

## CHAPTER II ELIGIBILITY

### 3. *Eligibility to apply for compassionate employment—*

- (1) Applications from dependants of the employees of the Kerala State Wakf Board who die-in-harness will be considered for employment assistances under these regulations.
- (2) Dependants of employees of the Board who die in harness irrespective of the circumstances of the death and dependants of the employees of the Board missing while in service and not heard of for 7 years if it is not proved otherwise as laid down in section 108 of the Indian Evidence Act, shall be eligible for employment assistance.
- (3) The regulations are not applicable to the dependants of temporary employees or those appointed on contract basis.
- (4) Employment assistance under these regulations shall not be available to the dependants of employees who are allowed to continue in service beyond superannuation either by extension of service or by re-employment and in whose case the death takes place after the normal date of retirement of superannuation.
- (5) Dependants of employees who have retired voluntarily shall not be eligible for the employment assistance.

## CHAPTER III FAMILY INCOME

### 4. *Income limit—*

- (1) No dependant shall be eligible for the compassionate employment if the annual income of the family of the deceased employee exceeds ₹ 4,50,000 (Rupees Four lakhs fifty thousand only).
- (2) The family income to be reckoned is the actual income available to all members of the family from all sources other than family pension. Income from the properties of the members of the family

should also be reckoned. Income of the married sons and daughters and other members of the family living separately shall not be considered for calculating family income. When salary based income is calculated, the pay including all allowances except travelling allowance shall be reckoned for the purpose.

- (3) If the applicant is a married son or married daughter, the income of the applicant, if any, shall also be considered for calculating the family income.

## CHAPTER IV DEPENDANTS

### 5. *Preference among the Dependants—*

- (1) Only one dependant shall be given employment assistance in the event of the death of an employee. Preference for employment assistance shall be given first to the widow/widower and then to the son and daughter.
- (2) Whenever there is a dispute between two dependants as to the eligibility for appointment the person recommended by the widow/widower of the deceased employee shall be preferred.
- (3) In the case of dependants other than widow/widower, the consent of the widow/widower and the other claimants shall invariable be obtained.

## CHAPTER V OTHER CONDITIONS

### 6. *Qualifications and conditions for appointment—*

- (1) There shall be no minimum service restriction. Dependants of those employees of the board who are on a regular basis appointed and working in the Board's service shall be eligible for the benefit under these regulations irrespective of the length of service.
- (2) Appointment under these regulations will be limited to Class III and IV Posts in the Board's Service to which direct recruitment is one of the methods of appointment. In the case of posts for which different methods of appointment are prescribed, the appointment under these regulations shall be made from the quota earmarked for direct recruitment.
- (3) The qualification prescribed for direct recruitment to the post shall apply appointment under these regulations and no relaxation in the qualification shall be allowed.
- (4) In the case of appointment of widow/widower, there shall be no upper age restriction and the applicants shall be given appointment up to the age fixed for superannuation. In all other cases, the upper age limit prescribed for direct recruitment to the post shall apply.

- (5) The time limit for preferring applications under these regulations shall be two years from the date of death of the employee and in the case of missing employees, two years from the date on which seven years is completed from the date on which he is not heard of. In the case of minor the period will be within three years after attaining majority.

7. *Applications for appointment and the procedure to be followed—*

- (1) Applications for appointment from dependants of employees who die-in-harness will be entertained only in the prescribed form given in Appendix 'A'. The applications shall be submitted to the Chief Executive Officer of the Board. Legal heirship certificate issued by the Tahsildar concerned, income certificate and death certificate should invariably be enclosed with the application. If the applicant is a married son or married daughter a certificate from the Tahsildar concerned that he or she was dependant of the deceased employee at the time of his death shall also be produced along with the application. An applicant under these regulations will be permitted to indicate the order of priority of the posts applied for. To the extent possible this order of priority will be accepted. However, if this is not possible the applicant will be appointed to any available vacancy in any of the category of class III or IV in the Board's service.
- (2) On obtaining the application for compassionate employment the Chief Executive Officer shall enquire into the details entered in the application and the check list as in Appendix 'B' will be adopted by the Chief Executive Officer for making reports to the Board.
- (3) Verification of character and antecedents and other formalities to be followed in the case of direct recruitment shall be followed in the case of appointments under these regulations also.
- (4) Proposals for appointments under these regulations shall be processed by the Chief Executive Officer and orders of appointment shall be issued by the Board.
- (5) Candidate appointed shall produce an attested copy of photograph at the time of joining duty. Appointment once offered and the post once applied for shall be allowed to be changed if the request for change is made within the time limit prescribed above. Applicant will have the right to withdraw his/her application at any time within the time limit before the job is accepted, so as to enable another dependant of the family to make his/her application for employment assistance. The appointment given under the scheme will be cancelled if and when it is found that there was misrepresentation or suppression of material facts on the part of the applicant while submitting application.

- (6) If vacancies of Lower Division Clerk is not available and the applicant is qualified for appointment as Lower Division Typist, he/she will be appointed as Typist-Clerk against an existing vacancy of Lower Division Typist and given category change as Lower Division Clerk without loss of seniority, based on his option, adopting the general pattern regarding category change in the case of appointment under Compassionate Employment Scheme also, that is, the Typist-Clerk appointed under Compassionate Employment Scheme shall remain as Typist-Clerk for a period of five years before category change is allowed.

- (7) The Board shall have the right to cancel the order sanctioning the appointment of persons if after the issue of the order it is seen on examination that the orders were issued erroneously. As these regulations are intended to help the bereaved family of the deceased employee, the application for employment assistance should be processed at all stages and at all levels with a sense of urgency and enquiry reports of the Chief Executive Officer should be finalized and submitted within six weeks. The details of applications received from the dependants of the deceased employees and the details of appointment given will be entered in the Service Book of the deceased employee and also in the establishment register of the office in which the deceased employee last worked and the fact should be attested.

**Appendix-A**

[See regulation 7(1)]

Form of application for employment under the Scheme for the Compassionate Employment of the dependants of the employees of the Kerala State Wakf Board who die-in-harness

1. Name and full postal address of applicant
2. Name, full residential address of, and details of appointment last held by deceased employee together with details of the date of entry in service, office where worked immediately before death etc.
3. Relationship of the applicant to the employee who died-in-harness
4. Total continuous service put in by the deceased employee with date of birth and date of death
5. Details of all the members in the family of the deceased employee together with the name, age, occupation and relationship of each with the deceased

6. Total annual family income of the deceased employee (Certificate from concerned authority should be attached)
7. Applicant's age and date of birth (Attested copy of the relevant school records or other relevant records should be attached)
8. Educational qualification and experience, if any, gained (Attested copy of the certificate to be attached)
9. Whether the applicant is married or single
10. Whether the applicant or any other dependant of the deceased employee had applied for the benefits under the scheme earlier; (if so give details)
11. Name of posts for which appointment is sought in the order of preference

#### DECLARATION

I ..... do hereby declare that the particulars given above are true to the best of my knowledge and belief. I also agree to the appointment secured by me under the scheme being terminated without notice in the event of finding any misrepresentation or suppression of material facts on my part.

Place :

Date : *Signature of applicant.*

#### Appendix-B

[See regulation 7(2)]

#### CHECK LIST OF THE CHIEF EXECUTIVE OFFICER

1. Name and address of the applicant
2. Name and designation of the deceased employee
3. Whether the application is submitted in the prescribed form or not?
4. Whether the applicant is a dependant as defined in the regulation? (Specify the relationship)
5. Whether any other dependants submitted application under the Scheme

6. Whether the family income of the applicant is below ₹ 4,50,000
7. Whether the application is submitted for the post in Class III or Class IV (Specify the post)
8. Whether vacancy exists to the post applied ? (if no, other eligible post as per regulation)
9. Whether the applicant has prescribed qualifications for the post applied ?
10. Whether the attested copies of relevant records proving age, date of birth, educations qualification and experience are attached with the application or not ?
11. Additional qualification, if any ?
12. Whether the application has been received in time ?
13. Whether the certificates directed in Clause 18 of Chapter V in the Regulation are submitted or not ?

*Remarks*

(Sd.)

*Chief Executive Officer,  
Kerala State Wakf Board.*

വിജ്ഞാപനം

നമ്പർ സി2-7940/സിആർ.

2011 ഡിസംബർ 30.

കേരള സ്റ്റേറ്റ് വഖഫ് ബോർഡിൽ 7940/RA നമ്പരായി രജിസ്റ്റർ ചെയ്ത കോഴിക്കോട് ജില്ല വടകര താലൂക്ക് വേളം വില്ലേജ് മൻഹജ് റഷാദ് മദ്രസ്സ് കമ്മ്യൂണിക്കേഷൻ കോളേജ് ചേരാപുരം അംശം ദേശം റീ.സ. 28/8-ൽപ്പെട്ട 16 3/4 സെന്റ് സ്ഥലം വിൽപ്പന നടത്തുന്നതിനുള്ള ബോർഡ് നുമാരിയായ വഖഫ് സെക്രട്ടറി അപേക്ഷ സമർപ്പിച്ചിട്ടുണ്ട്. ആയതിനാൽ മേൽ അപേക്ഷ പ്രകാരം വസ്തു വിൽപ്പന സംബന്ധിച്ച് ആർക്കെങ്കിലും എന്തെങ്കിലും ആക്ഷേപമോ അഭിപ്രായമോ ഉണ്ടെങ്കിൽ ആയത് ഈ വിജ്ഞാപനം പ്രസിദ്ധപ്പെടുത്തി 15 ദിവസത്തിനകം സീനിയർ സൂപ്രണ്ട്, കേരള സ്റ്റേറ്റ് വഖഫ് ബോർഡ്, മേഖല ഓഫീസ്, എറോത്ത് സെന്റർ, ബാങ്ക് റോഡ്, കോഴിക്കോട്-1 എന്ന വിലാസത്തിൽ രേഖാമൂലം അറിയിക്കേണ്ടതാണ്. നിശ്ചിത സമയപരിധിക്കുശേഷം ലഭിക്കുന്ന ആക്ഷേപങ്ങളോ അഭിപ്രായങ്ങളോ യാതൊരു കാരണവശാലും പരിഗണിക്കുന്നതല്ലെന്ന വിവരം അറിയിക്കുന്നു.

കേരള സ്റ്റേറ്റ് വഖഫ് ബോർഡ്  
റിജിയണൽ ഓഫീസ്,  
എറോത്ത് സെന്റർ, ബാങ്ക് റോഡ്,  
കോഴിക്കോട്.

(ഒപ്പ്)

സീനിയർ സൂപ്രണ്ട്.  
(ഇൻചാർജ്ജ്)